

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS

BEAUMONT DIVISION

EDWING AHMED ALVAREZ	§	
VS.	§	CIVIL ACTION NO. 1:21-CV-258
RUSTY THURMAN, ET AL.	§	

ORDER OVERRULING PLAINTIFF'S OBJECTIONS AND ADOPTING THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Edwing Ahmed Alvarez, a prisoner confined at the Stiles Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed this civil rights action pursuant to 42 U.S.C. § 1983 against Rusty Thurman, Daniel Montgomery, Anthony D. Ross, and Jessica Elder.

The Court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable laws and orders of this Court. The magistrate judge recommends dismissing Plaintiff's due process, retaliation, equal protection, and access to courts claims pursuant to 28 U.S.C. § 1915(e) as frivolous and for failure to state a claim upon which relief may be granted. The magistrate judge also recommends dismissing Defendants Rusty Thurman and Daniel Montgomery from this action.

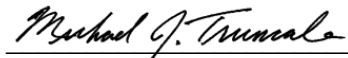
The Court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and the pleadings. Plaintiff filed a Motion to File Re-Pleading Due to Additional Findings of Fact and Conclusions of Law, which the Court liberally construes as objections to the Report and Recommendation.

The Court has conducted a *de novo* review of the objections in relation to the pleadings and the applicable law. *See* FED. R. CIV. P. 72(b). After careful consideration, the Court concludes the objections are without merit.

ORDER

Accordingly, Plaintiff's objections [Dkt. 20] are **OVERRULED**. The findings of fact and conclusions of law of the magistrate judge are correct, and the report of the magistrate judge [Dkt. 18] is **ADOPTED**. The due process, retaliation, equal protection, and access to courts claims are **DISMISSED** pursuant to 28 U.S.C. § 1915(e). Defendants Rusty Thurman and Daniel Montgomery are **DISMISSED** from this action.

SIGNED this 8th day of November, 2022.



Michael J. Truncale
United States District Judge